

Summary of the Judicial Council's Report to the Legislature on Race, Ethnicity and Felony Sentencing

- Details on PC 1170 for the broadcast
- The report written in accordance with PC 1170.45 utilized data provided by the California Department of Justice that accounted for only 60 percent of all felony arrests from 2000 in the state.
- Our report on PC 1170 focused on how “similarly situated” defendants were sentenced by their race and ethnicity. By “similarly situated” we mean that defendants with the same type of offense and the same prior record. The impact of other factors such as enhancements (gang membership, possession of a weapon) or length of the actual sentence is unknown.
- In other words, to properly assess the impact of race and ethnicity in sentencing studies, it is imperative that one control for any factors relevant to sentencing decision making (e.g., type of offense, prior record) to ensure that “like” defendants are being compared to one another.
- The primary focus of this report is the analysis of sentencing outcomes by race/ethnicity of the defendant controlling for prior record and the type of offense. Controlling for prior record and type of offense, which dictate very specific sentences mandated by California’s sentencing laws, ensures that no spurious effects will be attributed (or not) to the race or ethnicity of the defendant by comparing sentencing outcomes for defendants convicted of similar offenses and with similar criminal histories.
- When controlling for prior record and type of offense, the authors found no overall trends in either of the two types of sentencing outcomes (severity of sentence, type of sentence) by race/ethnicity of the defendant. For example, no single racial/ethnic group systematically received the most severe type of sentence after controlling for prior record and type of offense. However, within each offense category (e.g., drug offenses) there were some statistically significant differences in the sentencing outcomes among defendants from the racial/ethnic groups.
- Hispanics, for example, were the most likely to receive a prison sentence when arrested for a felony-level drug offense, regardless of prior record. While African Americans with no prior record were significantly more likely than were defendants from the other racial/ethnic groups to have their cases dismissed or be acquitted. However, as in previous analyses, these differences diminished as the defendant’s prior record increased in severity.
- The differences between racial and ethnic groups diminished greatly when comparing defendants with prior prison records. For these defendants, the large majority was sentenced to prison regardless of the offense or race/ethnicity of the defendant.
- With the limitations of the data currently available, it is not possible to identify causes for the observed differences in sentencing among racial/ethnic groups or to identify whether these sentencing differences are attributable to one portion or another of the criminal justice system. The authors of the report indicate that additional research is needed to help explain some of the findings.